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Testimony of Nancy Smith, Executive Director of GrowSmart Maine

in support of LD 31, “An Act Regarding Rules Adopted by the ConnectME Authority”

January 31, 2019

Senator Lawrence, Representative Berry and members of the Joint Standing Committee on Energy, Utilities and Technology, my name is Nancy Smith and I am the Executive Director of GrowSmart Maine. We are a statewide non-partisan organization working to create lasting prosperity without sacrificing the quality of life that defines Maine.

We support policies, programs and projects that define and protect the value of our unique built and natural places while supporting long term economic opportunity. We believe LD 31 does just that.

Simply stated, this bill seeks to change rules adopted by the ConnectME Authority from “major substantive” to “routine technical”. As you know, major substantive rules trigger a set process for approval by the Legislature whereas routine technical rules are adopted by the agency without formal review and approval by the Legislature. It is important to note that routine technical rules trigger a public process including public comment and a hearing if requested. This is a fully transparent and effective public process.

Also worth noting is that with major substantive rules, the Legislature incurs discernable costs for printing an LD, providing the necessary committee staffing and holding the required public hearing and work session. Again, these steps are in addition to the public process conducted by the agency. These costs are avoidable by allowing ConnectME to adopt routine technical rules. The Legislature maintains proper oversight through regular review of rules adopted by ConnectME and by taking legislative action if it is determined that an adopted rule is inappropriate.

When an agency is newly established, it is common for the Legislature to require that rules adopted by the agency be approved through the legislative process of major substantive rules. This degree of oversight is excessive for a well-established and respected agency like ConnectME which has successfully fulfilled its mission for more than 10 years.

Given ConnectME’s work with community planning and infrastructure grants for broadband, the nimbleness possible with routine technical rulemaking will provide for timely adaptation to the changing technology and community readiness.

We ask you to consider the practical and fiscally prudent change proposed by LD 31 and allow ConnectME to focus more of its scarce resources to furthering its important mission of furthering broadband connections across the state.